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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,038	10/27/2000	Robert Jay Shaw	5053-31001	6764

7590 04/21/2005

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,038

Applicant(s)

SHAW, ROBERT JAY

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/5/02, 6/24/04, 11/6/04, 2/26/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-39 are pending. Claims 7, 8, 11, 16, 20, 21, 24, 28, 32, 33, and 37 have been amended in this communication filed 01/02/05 entered as Response After Non-Final Action.

2. The IDS filed 07/15/02, 6/24/04, 11/01/04, and 02/04/05 have been considered and entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 14-17, 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by (US 5,864,679) Kanai et al, hereafter Kanai.

Claims 1, 14, and 27. Kanai teaches, A method performed in an FSO computer system, wherein the FSO computer system comprises a plurality of FSO related data sets including a first FSO related data set, and a plurality of computer executable FSO related processing tasks including a first FSO related processing task, the method comprising: storing a first smart trigger in a first memory of the FSO computer system (col. 2, lines 26-43, col. 13, lines 1-10, col. 21, lines 1-8 and lines 23-32, abstract, fig. 1 (9' -1), fig. 3, fig. 9, and fig. 10), wherein the first smart trigger comprises a first identifier that identifies the first FSO related processing task and a first data set identifier that identifies the first FSO related data set; reading the first smart trigger from the first

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memory (col. 2, lines 45-51); and executing the first FSO related processing task and processing first data contained in the first FSO related data set in response to reading the first smart trigger from the first memory (col. 14, lines 17-30).

Claim 17. Kanai further teaches, a computer program (col. 12, lines 21-42 and fig. 4); an FSO computer system comprising a plurality of FSO related data sets including a first FSO related data set, and comprising a plurality of computer executable FSO related processing tasks including a first FSO related processing task (col. 12, lines 42-59); and wherein the computer program is executable on the computer system (col. 12, lines 10-20).

Claims 2, 15, and 28. The method of claim 1, wherein storing the first smart trigger in the first memory is performed by an application program executing in the FSO computer system (col. 1, lines 39-50).

Claims 3, 16, and 29. The method of claim 1, wherein storing the first smart trigger in the first memory is performed by a user of the FSO computer system (col. 13, lines 20-31).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 4-9, 17-22, 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai in view of (US 6,341,287) Sziklai et al, hereafter Sziklai.

Claims 4, 17, and 30. Kanai teaches, The method of claim 1, further comprising processing the first smart trigger to generate a first processed smart trigger (col. 13, lines 39-60).

Claims 5, 18, and 31. Kanai teach, The method of claim 4, wherein the first smart trigger stored in the first memory further comprises a first scheduled date, wherein the first smart trigger is processed on or before the first scheduled date (col. 13, lines 19-32, col. 14, lines 12-30, and fig. 1(9-1)).

Claims 6, 19, and 32. Kanai teaches, The method of claim 4, wherein processing the first smart trigger comprises deleting the first identifier from the first smart trigger (col. 32, line 47 –col. 33, line 4, col. 34, lines 9-18, and col. 41, lines 52-65).

Claims 7, 20, and 33. Kanai teaches, The method of claim 6, wherein first smart trigger stored in the first memory further comprises a first scheduled date, wherein the first scheduled date defines a date for processing the first smart trigger (col. 35, lines 2-20).

Claims 8, 21, and 34. Kanai teaches, The method of claim 5, wherein the FSO computer system comprises a current date; and wherein the method further comprises: comparing the scheduled date of the smart trigger to the current date 9col. 37, lines 50-63); executing the first processing task and processing the first data contained in the first FSO related data set in response to the scheduled date being on or before the

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current date, and (col. 50, line 61-col. 51, line 38); not executing the first processing task in response to the scheduled date being after the current date (col. 54, lines 29-44).

Claims 9, 22, and 35. Kanai teaches, The method of claim 6, wherein the first memory comprises a smart trigger table wherein the smart trigger table comprises N rows each one of which comprises one smart trigger, the method further comprising: a) setting a counter X to one (col. 21, line 31-col. 23, line 65); and b) incrementing X by one (col. 21, line 31-col. 23, line 65). Kanai failed to teach, c) reading an Xth smart trigger from the smart trigger table; d) comparing an Xth scheduled date of the Xth smart trigger to the current date; e) executing an Xth processing task and processing Xth data contained in an Xth data set in response to the Xth scheduled date of the Xth smart trigger being on or before the current date; f) not executing the Xth processing task in response to the Xth scheduled date of the Xth smart trigger being after the current date; and g) repeating b) through f) until X equals N. Szuklai teaches, c) reading an Xth smart trigger from the smart trigger table (col. 13, lines 48-56); d) comparing an Xth scheduled date of the Xth smart trigger to the current date (col. 18, lines 24-29 and col. 19, lines 1-7); e) executing an Xth processing task and processing Xth data contained in an Xth data set in response to the Xth scheduled date of the Xth smart trigger being on or before the current date (col. 19, lines 24-36 and lines 44-56); f) not executing the Xth processing task in response to the Xth scheduled date of the Xth smart trigger being after the current date (col. 20, lines 17-20 and lines 26-36); and g)

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repeating b) through f) until X equals N (col. 13, lines 48-56, col. 18, lines 24-29, and col. 19, lines 1-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to read an Xth smart trigger from the smart trigger table; compare an Xth scheduled date of the Xth smart trigger to the current date; execute an Xth processing task and processing Xth data contained in an Xth data set in response to the Xth scheduled date of the Xth smart trigger being on or before the current date; not execute the Xth processing task in response to the Xth scheduled date of the Xth smart trigger being after the current date; and repeat b) through f) until X equals N and to modify in Kanai because such a modification would allow Kanai to have a trigger table that provides trigger steps specified for the system (see Szuklai- col. 13, lines 52-55).

7. Claims 10-13, 23-26, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai et al, hereafter Kanai in view of Sziklai and further in view of (US Zaiken et al, hereafter Zaiken).

Claims 10, 23, and 36. Kanai and Szuklai failed to teach, The method of claim I, wherein the first smart trigger comprises one or more data fields, wherein data in the one or more data fields is passed to the first FSO related processing task in response to reading the smart trigger. Zaiken teaches, wherein the first smart trigger comprises one or more data fields, wherein data in the one or more data fields is passed to the first FSO related processing task in response to reading the smart trigger (col. 7, lines 10-

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25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first smart trigger comprise one or more data fields, wherein data in the one or more data fields is passed to the first FSO related processing task in response to reading the smart trigger and to modify in Kanai because such a modification would allow Kanai to have fields visually separated for convenience of seeing the field descriptions.

Claims 11, 24, and 37. Kanai teaches, The method of claim 1, wherein the first FSO related data set comprises to customer account record containing data relating to a customer of the FSO, wherein the first data identifier assigned to the first FSO related data set comprises a customer account number corresponding to the customer account record (col. 15, lines 8-62, Figure 8, fig. 9, and fig. 10).

Claims 12, 25, and 38. Kanai teaches, The method of claim 7, wherein the FSO computer system further comprises a smart trigger processing task for processing the first smart trigger, wherein the smart trigger processing task is configurable to be executed periodically, wherein the scheduling of the period of execution is configurable by a user of the FSO computer system (col. 13, lines 20-31).

Claims 13, 26, and 39. Kanai teaches, The method of claim 6, wherein the method further comprises deleting the first processing task identifier in response to executing the first processing task (col. 15, lines 46-62 and col. 19, lines 38-55).

Response to Arguments

8. Applicant's arguments filed 01/12/05 have been fully considered but they are not persuasive.

Issue no. 1: Applicant argues: Kanai does not appear to teach or suggest the features of claims 1, 14, and 27 relating to smart triggers as quoted herein "storing a first smart trigger in a first memory of the FSO computer system, wherein the first smart trigger comprises a first identifier that identifies the first FSO related processing task and a first data set identifier that identifies the first FSO related data set; reading the first smart trigger from the first memory; and executing the first FSO related processing task and processing first data contained in the first FSO related data set in response to reading the first smart trigger from the first memory has been considered but is not persuasive. Response: It is interpreted that Kanai teaches "storing a first smart trigger in a first memory of the FSO computer system (col. 2, lines 26-43, col. 13, lines 1-10, col. 21, lines 1-8 and lines 23-32, abstract, fig. 1 (9' -1), fig. 3, fig. 9, and fig. 10), wherein the first smart trigger comprises a first identifier that identifies the first FSO related processing task and a first data set identifier that identifies the first FSO related data set; reading the first smart trigger from the first memory (col. 2, lines 45-51); and executing the first FSO related processing task and processing first data contained in the first FSO related data set in response to reading the first smart trigger from the first memory (col. 14, lines 17-30) in the columns and line numbers cited as far as can be determined by Applicant's Specification and claim language. The claim limitation of a "smart trigger" being more clearly defined and claimed in the claim language would

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better assist in determining specifically what Applicant's "smart trigger" is and what it does. It is presumed that Applicant's "smart trigger" is similar to a relational database table defining a scheduled date, an identifier for a data set, and a processing task.

Kanai teaches a routing table indicating a transaction which is interpreted as a trigger. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Issue no. 2: Applicant argues: Claim 17 describes a combination of features including: "wherein the program instructions further executable by the computer system to implement: processing the first smart trigger to generate a processed smart trigger" and the above-quoted sections of Kanai do not appear to teach or suggest at least the above-quoted features of claim 17 in combination with other features of the claim has been considered but is not persuasive. Response: It is interpreted Kanai teaches a computer program in col. 12, lines 21-42 and fig. 4 (7-2 and 7-m), an FSO computer system comprising a plurality of FSO related data sets including a first FSO related data set, and comprising a plurality of computer executable FSO related processing tasks including a first FSO related processing task is in col. 12, lines 42-59 "the scheme for carrying out the data operation can be provided by the know data access scheme"); and wherein the computer program is executable on the computer system in col. 12, lines 10-20 ("... a configuration in which all of the data are ... accessible from any application program on any processor ..."). It is inherent that this is on a computer system even though it is not specifically recited in the Kanai reference.

Issue no. 3: Applicant argues: Claims 2, 15, and 28 describe a combination of features including: “wherein storing the first smart trigger in the first memory is performed by an application program executing in the FSO computer system” and Kanai does not appear to teach or suggest at least the above-quoted features of claims 2, 15, and 28 in combination with other features of the claims has been considered but is not persuasive. Response: Kanai teaches “wherein storing the first smart trigger in the first memory is performed by an application program executing in the FSO computer system” in col. 1, lines 39-50 (“... having an application program ... the data is separately stored ...”).

Issue no. 4: Applicant argues: Kanai does not appear to teach or suggest “wherein storing the first smart trigger in the first memory is performed by a user of the FSO computer system” as features of claims 3, 16, and 29 in combination with the other features of the claims has been considered but is not persuasive. Response: It is interpreted that Kanai teaches “wherein storing the first smart trigger in the first memory is performed by a user of the FSO computer system” in col. 2, lines 26-51 and col. 3, lines 1-18. The reference should be read in its entirety and not just the columns and line numbers cited in the rejection of claim limitations.

Issue no. 4: Applicant argues: in order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. In re Warner et al., 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A.1967). To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580

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(C.C.P.A. 1974), MPEP 2143.03 has been considered but is not persuasive.

Response: As for motivation, Rationale may be in a reference or reasoned from common knowledge in the art, scientific principles, art-recognized equivalents, or legal precedent". The reason or motivation to modify the reference may often suggest what the inventor has done but for a different purpose or to solve a different problem. It is not necessary to achieve the same advantage or result discovered by Applicants'. *In re Linter*, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972). See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); *In re Nilssen*, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1502 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); and *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning). MPEP 2144.

Issue no. 5: Applicant argues: Claims 4, 17, and 30 describe a combination of features including: "processing the first smart trigger to generate a first processed smart trigger"; claims 5, 18, and 31 describe a combination of features including: "wherein the first smart trigger stored in the first memory further comprises a first scheduled date, wherein the first smart trigger is processed on or before the first scheduled date"; claims 6, 19, and 32 describe a combination of features including: "wherein processing the first smart trigger comprises deleting the first identifier from the first smart trigger"; claims 7, 20, and 33 describe a combination of features including: "wherein the first smart trigger is stored in the first memory further comprises a first scheduled date, wherein the first scheduled date defines a date for processing the first smart trigger"; and claims 8, 21,

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and 34 describe a combination of features including: comparing the scheduled date of the smart trigger to the current date; executing the first processing task and processing the first data contained in the first FSO related data set in response to the scheduled date being on or before the current date; and not executing the first processing task in response to the scheduled date being after the current date” have been considered but is not persuasive. Response: It is interpreted as far as can be determined that Kanai teaches the claim limitations of claims 4, 17, 30, 5, 18, 31, 6, 19, 32, 7, 20, 33, 8, 21, and 34 as cited in the columns and line numbers of the Office action above.

Issue no. 5: Applicant argues: claims 9, 22, and 35 describe a combination of features has been considered but is not persuasive. Response: It is interpreted that Sziklai teaches “c) reading an Xth smart trigger from the smart trigger table (col. 13, lines 48-56); d) comparing an Xth scheduled date of the Xth smart trigger to the current date (col. 18, lines 24-29 and col. 19, lines 1-7); e) executing an Xth processing task and processing Xth data contained in an Xth data set in response to the Xth scheduled date of the Xth smart trigger being on or before the current date (col. 19, lines 24-36 and lines 44-56); f) not executing the Xth processing task in response to the Xth scheduled date of the Xth smart trigger being after the current date (col. 20, lines 17-20 and lines 26-36); and g) repeating b) through f) until X equals N (col. 13, lines 48-56, col. 18, lines 24-29, and col. 19, lines 1-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to read an Xth smart trigger from the smart trigger table; compare an Xth scheduled date of the Xth smart trigger to the current date; execute an Xth processing task and processing Xth data contained in

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an Xth data set in response to the Xth scheduled date of the Xth smart trigger being on or before the current date; not execute the Xth processing task in response to the Xth scheduled date of the Xth smart trigger being after the current date; and repeat b) through f) until X equals N and to modify in Kanai because such a modification would allow Kanai to have a trigger table that provides trigger steps specified for the system (see Szuklai- col. 13, lines 52-55). Kanai teaches, a) setting a counter X to one in col. 21, line 31-col. 23, line 65 and b) incrementing X by one in col. 21, line 31-col. 23, line 65. It is interpreted that together Kanai and Szuklai teach the claim limitations of claims 9, 22, and 35.

Issue no. 6: Applicant argues: claims 10, 23, and 36 describe a combination of features including: "wherein the first smart trigger comprises one or more data fields, wherein data in the one or more data fields is passed to the first FSO related processing task in response to reading the smart trigger"; claims 11, 24, and 37 describe a combination of features including: "wherein the first FSO related data set comprises a customer account record containing data relating to a customer of the FSO, wherein the first data identifier assigned to the first FSO related data set comprises a customer account number corresponding to the customer account record"; claims 12, 25, and 38 describe a combination of features including: "wherein the FSO computer system further comprises a smart trigger processing task for processing the first smart trigger, wherein the smart trigger processing task is configurable to be executed periodically, wherein the scheduling of the period of execution is configurable by a user of the FSO computer system"; and claims 13, 26, and 39 describe a combination of features including:

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"deleting the first processing task identifier in response to executing the first processing task" has been considered but is not persuasive. Response: It is interpreted that Kanai, Sziklai, and Zaiken in combination teach the claim limitations of claims 10-13, 23-26, and 36-39.

Conclusion: There appears to be steps left out of the independent claims 1, 14, and 27. For example claim 1, what happens after the first trigger is read from the first memory? Is the first smart trigger stored or executed? What happens to it (the smart trigger)?

In this rejection of claim 1 and others, for example under Section 103 (a) of Title 35 of the United States Code, the Examiner carefully drew up a correspondence between the Applicants' claimed limitations and one or more referenced passages in the Kanai, Sziklai, and Zaiken references, what is well known in the art, and what is known to one having ordinary skill in the art (the skilled artisan). The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).<

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Applicant is respectfully requested to particularly point out to the Examiner in the claim language and to claim the novel feature of their invention in the independent claims. Where is this feature claimed in claims 1, 14, and 27?

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

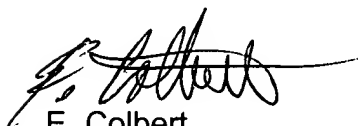
Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'E. Colbert', with a stylized flourish extending to the right.

E. Colbert
April 2005